

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

EUGENE HAMPTON

PLAINTIFF

VS.

4:19-CV-00810-BRW

WELLS FARGO BANK NA, *ET AL.*

DEFENDANTS

ORDER

Pending are Plaintiff's Motion to Clarify (Doc. No. 82) and Defendant's Motion for Reconsideration (Doc. No. 83). Plaintiff wants to know whether his unjust enrichment claim was dismissed with or without prejudice. Defendants want me retain jurisdiction over any state-law claims that may still exist. As set out below, the Motion to Clarify (Doc. No. 82) is GRANTED and the Motion for Reconsideration (Doc. No. 83) is DENIED.

A December 17, 2020 Order found that Plaintiff's complaint, despite being amended three times, failed to state a claim for which relief could be granted. As Plaintiff points out in his pending motion, I did not specify whether the claims were dismissed with or without prejudice. It might be possible for Plaintiff to established claims for unjust enrichment and violations of the Arkansas Deceptive Trade Practices Act, but, on the record so far, he has not done so. Those claims are dismissed without prejudice. On the other hand, it is impossible for Plaintiff to establish a RESPA claim under the facts of this case. That claim is dismissed with prejudice.

Defendants assert that I improperly declined jurisdiction over the state-law claims because whether the case is properly in federal court is based on the amount in controversy at the time of removal. This argument is unpersuasive because this case was dismissed. There is no

case over which to continue jurisdiction. Additionally, if Plaintiff attempts to proceed with the state-law claims he wanted to add in a Fourth Amended Complaint, it is obvious from the record that those claims belong in state court, not here.

IT IS SO ORDERED this 14th day of January, 2021.

Billy Roy Wilson
UNITED STATES DISTRICT JUDGE